



Michael Feeney

Call: 2021 [Public Access](#)

Practice areas:

Planning, Environment, Licensing, Highways, Commons and Open Spaces, Compulsory Purchase and Compensation, Public Law, Local Government, Rating



Practice Profile

Michael is building a strong practice across all of Chambers' practice areas and acts for a wide range of clients, including central and local government, developers and landowners, and local residents. Michael regularly appears in court, inquiries and hearings in his own right and as junior counsel. Michael is currently seconded part-time to Westminster City Council and the Royal Borough of Kensington and Chelsea, where he advises on a broad range of planning issues.

Planning

Michael has experience appearing at and assisting during public inquiries:

- Junior counsel for a local planning authority at a two-week inquiry concerning an outline application for up to 2,800 residential units in tall buildings. The inquiry raised issues relating to design, heritage and 5YHLS.
- Junior counsel at a call-in inquiry for the Applicant where the development consisted of a major railway station, and the focus of the inquiry was on ecology and biodiversity.
- Junior counsel for a local planning authority at a call-in inquiry concerning tall buildings and heritage assets.
- Sole counsel on behalf of a local planning authority at an enforcement appeal that raised complex issues relating to the Habitats Directive and the Environmental Impact Assessment Directive
- Sole counsel in two planning inquiries concerning Certificates of Lawful Existing Use or Development.
- Sole counsel on behalf of an applicant in a four-day non-statutory Town and Village Green inquiry. The inquiry raised issues concerning locality, highways and open spaces.

Recent judicial review experience includes:

- Junior counsel to Saira Kabir Sheikh KC in *Bramley Solar Farm Residents Group v SSLUHC [2023] EWHC 2842 (Admin)*, a case raising seven grounds of appeal concerning issues such as amendments on appeal, the consideration of alternatives and the interpretation of the NPPF.
- Sole counsel on behalf of a claimant in a judicial review challenge raising issues relating to the EIA Regulations and the interpretation of the NPPF.
- Michael has also been instructed as junior counsel and assisted with multiple s.288 and s.289 challenges concerning the Wheatcroft principle, Green Belt, advertisement consent, Supplementary Planning Documents and procedural fairness.

Michael also has a busy advisory practice and has provided advice to a wide range of clients on many matters, including:

- The adoption and content of Supplementary Planning Documents
- The interpretation and application of the Use Classes Order
- The service of Enforcement Notices
- Prospects of success for potential challenges to appeal decisions
- Obtaining liability orders under the Community Infrastructure Levy Regulations 2010
- Enforcing section 106 agreements
- The legality and enforceability of planning conditions
- The interpretation of the NPPF in relation to plan-making
- The interpretation of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012
- The interpretation of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007

Michael is also experienced in planning enforcement and has acted for both residents and local authorities in enforcement proceedings.

Michael has attended multiple local plan examination hearings and is currently assisting a Parish Council with their objections to an emerging local plan.

During pupillage Michael also assisted at a planning inquiry concerned with the correct interpretation and application of the flooding sequential test and a planning inquiry addressing issues of landscape and 5YHLS in the context of an emerging local plan.

Environment

Michael is currently instructed in a significant prosecution being brought by the Environment Agency against six defendants under sections 33 and 34 of the Environmental Protection Act 1990. Michael has also been instructed as sole counsel in s82 Environmental Protection Act 1990 proceedings.

Michael assisted in drafting an Order 53 Statement for a Northern Ireland judicial review claim in respect of consents to allow for the creation of underground gas caverns. The claim raises issues concerning the Habitats Regulations, the correct approach to assessing the environmental effects of decommissioning and cross-cutting.

Michael is a regular contributor to the FTB Environmental Law Blog and has also lectured on the MSC in Construction Law and Dispute Resolution at King's College London on 'Environmental Law in Construction'.

During pupillage Michael also drafted research notes on statutory nuisance and the correct approach to 'Best Practicable Means'. Michael also wrote draft Advices on the precautionary principle, the application of the Habitats Regulations for permitted development, the approach taken towards decommissioning in DCOs and the prospects of success for a potential claim against the Environment Agency

Licensing

Michael has extensive experience in licensing matters. Michael has been instructed for several review hearings and six summary review hearings of premises licences, including high-profile reviews receiving local media coverage following allegations of stabbings and sexual assault.

Michael has also appeared on behalf of individual objectors at licensing hearings and has successfully appeared on behalf of applicants for new premises licences, including an application for a new premises licence in a Cumulative Impact Zone.

Michael is currently seconded part-time to Westminster City Council as a legal advisor to the Licensing Sub-Committee.

Michael has written an article with Jeremy Phillips KC on Sexual Entertainment Venues and the Public Sector Equality Duty. Michael has also written an article on the Principle of Regularity in the licensing context, which was published in the Journal of Licensing last year.

Highways, Commons and Open Spaces

Michael acted as junior counsel for National Highways Ltd in successful injunction proceedings relating to the Just Stop Oil protests on the M25. Michael is currently instructed in the ongoing committal proceedings.

Michael was also instructed as sole counsel in a four-day Town & Village Green non-statutory public inquiry which raised issues concerning highways and open spaces.

Compulsory Purchase and Compensation

Michael assisted with a wide range of compulsory purchase and compensation matters during pupillage, where he attended several conferences dealing with compulsory purchase and compensation cases as well as a number of DCO hearings.

Michael is happy to assist in all matters relating to these areas.

Public Law

Local Government

Rating

Michael has advised on how to set aside liability orders and has appeared in the Magistrates' Courts in rating cases.

During pupillage Michael assisted on a wide range of rating and CIL matters, including written Advices on the scope of proposal principle and CIL education contributions.

Rating, Council Tax and CIL

Michael has advised on how to set aside liability orders and has appeared in the Magistrates' Courts in rating cases.

During pupillage Michael assisted on a wide range of rating and CIL matters, including written Advices on the scope of proposal principle and CIL education contributions.

Publications and Memberships

- , Journal of Licensing.
 - (with Jeremy Phillips KC), Journal of Licensing.
 - Drought Permits and Drought Orders, FTB Environmental Law Blog.
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 - FTB Environmental Law Blog.
 - : A Return to Normalcy, FTB Environmental Law Blog.
 - Michael Beloff Essay:, Gray's Inn Student Law Journal.
 - Planning and Environment Bar Association.
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Qualifications

- Bar Professional Training Course. Distinction
 - GDL, Oxford Brookes University. Distinction
 - MA History, The University of Chicago. 4.0 GPA
 - MSt History, New College, University of Oxford. Distinction
 - BA History, New College, University of Oxford. First in Finals and Distinction in First Year Examinations
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Academic Awards, Scholarships and Prizes

- Residential Scholarship, Gray's Inn
 - Prince of Wales Scholarship, Gray's Inn
 - Michael Beloff Essay Prize
 - City Law School Scholarship for Academic Excellence
 - Tatjana Finkelstein GDL Scholarship, Gray's Inn
 - Neubauer Family Distinguished Doctoral Fellowship, University of Chicago
 - Social Sciences Fellowship, University of Chicago
 - New College Scholarship for performance in First Year Examinations
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Mooting, Debating and other Advocacy Experience

- Semi-finalist in the Gray's Inn Moot Competition
 - Winner Oxford Brookes University internal mooting competition judged by Richard Benson KC.
 - Represented Oxford Brookes University university in the ESU-ECC National Mooting Competition.
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Other Work Experience

- Non-fiction Reader at The Chicago Review, September 2018–June 2019
 - English Teacher, Benedict School, Carpi, Italy, September 2017–July 2018
 - HR Assistant, Institute for Advanced Study, Princeton, NJ, USA, July–August 2015
 - Research Assistant, Institute for Advanced Study, Princeton, NJ, USA, July–August 2014
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